

# **State of Alaska FY2003 Governor's Operating Budget**

## **Department of Law Natural Resources Component Budget Summary**

## **Component: Natural Resources**

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### **Component Mission**

Mission statement appears at the department summary and BRU levels.

### **Component Services Provided**

Provide legal advice and representation to state departments, boards and commissions that regulate Alaska's lands, waters, and renewable natural resources. Represent those agencies in litigation, and draft and review regulations governing them. Draft bills requested by the Governor's Office, and comment on legislation dealing with natural resources. Advise the Governor's Office on natural resource matters.

### **Component Goals and Strategies**

Ensure that Alaska's lands, waters, and renewable natural resources are managed and allocated by state agencies in a manner that is consistent with the law.

Defend against legal challenges to actions taken by Alaska natural resources agencies.

Pursue legal actions against persons who are illegally using, damaging, or destroying Alaska's lands, waters, or renewable natural resources.

Provide legal advice and assistance to the Governor's Office and state agencies on matters of federal Indian law and assist in the development of state-tribal relations.

Provide legal advice to the Alaska Board of Fisheries and to the Alaska Board of Game and defend their conservation and allocation decisions against legal challenges.

Provide legal advice to the Alaska Commercial Fisheries Entry Commission and defend the commission's decisions concerning the issuance of limited entry permits for participating in certain state fisheries.

Provide legal advice to the Alaska Department of Fish and Game to ensure that its management of commercial, sport, personal use, and subsistence fisheries and its management of sport and subsistence hunts comply with the law. Advise the department in its efforts to enhance fishery and game populations, interact with private fish hatcheries, and operate state fish hatcheries. Pursue legal action to prevent, mitigate, or eliminate harmful impacts on fish habitat.

Provide legal advice to the Division of Governmental Coordination and to the Coastal Policy Council to ensure that coastal zone coordination is conducted in a lawful manner. Defend against legal challenges to state actions implementing the Alaska Coastal Management Program.

Assist the Alaska Department of Natural Resources to negotiate and draft state timberland leases. Help the department resolve legal issues concerning ownership and management of uplands, tidelands, and submerged lands.

Advise state agencies on riparian rights and represent the state in legal actions concerning transfer, leasing, and other uses of state lands. Assist the agencies on matters regarding public access to Alaska and federal lands.

Advise and assist the Alaska Department of Natural Resources to manage mining claims on state lands and restrict or eliminate surface uses that conflict with those claims.

Pursue legal actions that will prevent or eliminate trespass on, destruction of, or damage to state lands, waters, timber, and other natural resources.

Help wildlife protection officers, other law enforcement officers, and Assistant District Attorneys investigate and prosecute crimes against the state's natural resources including, when appropriate, acting as prosecutors in criminal cases. Pursue legal actions for the forfeiture of vessels and other property used in violating state natural resource laws.

Advise state agencies on issues relating to mental health trust lands and Native allotments and represent the state in legal actions involving those lands.

Advise natural resource agencies on legal issues arising under state laws that govern procurement, ethics, open meetings, and public records.

### **Key Component Issues for FY2002 – 2003**

Natural Resources' FY 2001 budget sustained a reduction of \$134,000. As a result we are holding an attorney position in this section vacant. Loss of this position further curtails the ability to provide advice and representation to the Department of Fish and Game and the Department of Natural Resources. The ability to advise the agencies on issues ranging from commercial and sport fishing, hunting, and aquatic farming to municipal entitlements, state land disposals and state park management, among others, is diminished as a result.

### **Major Component Accomplishments in 2001**

- Successfully represented ADF&G employees against a lawsuit alleging that they violated anti-racketeering statutes.
- In several appeals before the supreme and superior courts, successfully defended CFEC's denial of requests for issuance of limited entry permits.
- In an appeal to the superior court, successfully defended ADF&G's denial of applications for aquatic farm permits to culture geoducks.
- Filed an action to evict squatters on state lands and negotiated a removal of the squatters and their property.
- Represented CFEC & ADF&G at trial dealing with budget backup for the state's nonresident commercial fishing fees.
- Worked with the state legislature for passage of a bill revising fee statutes to make them consistent with various constitutional rulings by the courts.
- Advised groups appointed by Governor to develop a consensus approach for amending state constitution and laws to solve the subsistence impasse.
- Successfully defended ADF&G regulations restricting use of airboats and airplanes for certain hunting activities.
- Defended DNR's issuance of water use permits for the North Star project.
- Obtained a favorable ruling on a challenge to the Copper River Bison hunt.
- Assisted the District Attorneys Office with criminal cases involving natural resource issues.
- Defended the criteria for Tier II permits for the Nelchina Caribou hunt.
- Assisted the Mental Health Trust Land Office with numerous land transactions.
- In appeals to the superior court, successfully defended two coastal consistency determinations that supported offshore oil exploration and development projects.

## **Statutory and Regulatory Authority**

AS 44.23.020

## Natural Resources

### Component Financial Summary

*All dollars in thousands*

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	929.7	1,157.0	1,213.2
72000 Travel	15.7	23.7	23.7
73000 Contractual	132.3	57.1	57.1
74000 Supplies	15.5	30.2	30.2
75000 Equipment	12.1	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>1,105.3</b>	<b>1,268.0</b>	<b>1,324.2</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	929.6	960.4	995.5
1007 Inter-Agency Receipts	169.0	307.6	328.7
1053 Investment Loss Trust Fund	4.9	0.0	0.0
1108 Statutory Designated Program Receipts	1.8	0.0	0.0
<b>Funding Totals</b>	<b>1,105.3</b>	<b>1,268.0</b>	<b>1,324.2</b>

### Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
<b>Unrestricted Revenues</b>						
None.		0.0	0.0	0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>						
Interagency Receipts	51015	169.0	307.6	307.6	328.7	328.7
Statutory Designated Program Receipts	51063	1.8	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	4.9	0.0	0.0	0.0	0.0
<b>Restricted Total</b>		<b>175.7</b>	<b>307.6</b>	<b>307.6</b>	<b>328.7</b>	<b>328.7</b>
<b>Total Estimated Revenues</b>		<b>175.7</b>	<b>307.6</b>	<b>307.6</b>	<b>328.7</b>	<b>328.7</b>

**Natural Resources****Proposed Changes in Levels of Service for FY2003**

No service changes.

**Summary of Component Budget Changes****From FY2002 Authorized to FY2003 Governor***All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2002 Authorized</b>	<b>960.4</b>	<b>0.0</b>	<b>307.6</b>	<b>1,268.0</b>
<b>Adjustments which will continue current level of service:</b>				
-Adjust vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	7.9	7.9
-Year 3 Labor Costs - Net Change from FY2002	22.4	0.0	6.0	28.4
<b>Proposed budget increases:</b>				
-Legal Secretary Reclassification	12.7	0.0	7.2	19.9
<b>FY2003 Governor</b>	<b>995.5</b>	<b>0.0</b>	<b>328.7</b>	<b>1,324.2</b>

## Natural Resources

## Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	16	14	Annual Salaries	954,934
Part-time	1	1	COLA	30,962
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	265,946
			Less 3.09% Vacancy Factor	(38,642)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>17</b>	<b>15</b>	<b>Total Personal Services</b>	<b>1,213,200</b>

## Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	2	0	1	0	3
Attorney IV	3	0	1	0	4
Attorney V	1	1	1	0	3
Law Office Assistant I	2	0	2	0	4
Law Office Assistant II	1	0	0	0	1
<b>Totals</b>	<b>9</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>15</b>